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OFFICE OF PETITIONS

In re Application of :
CHAPMAN, et al. :
Application No. 09/664,460 :
Filed: September 18, 2000 :
Attorney Docket No.: YOR920000625US1 :

DECISION ON PETITION

This is a decision on the Request for Entry of Issue Fee and Reversal of Abandonment, filed January 9, 2007, urging, in effect, that the Issue Fee was timely submitted, via facsimile transmission under 37 CFR 1.8(a), on June 28, 2006. The present Request has been treated as a Petition under 37 CFR 1.8(b) (hereinafter "present Petition") requesting that the United States Patent and Trademark Office (USPTO) (1) acknowledge June 28, 2006 as the date the Issue Fee was timely submitted and (2) withdraw the Notice of Abandonment. No petition fee is required.

The petition is **GRANTED**.

The Notice of Abandonment mailed July 31, 2006 is hereby **WITHDRAWN**.

The above-identified application was filed with the USPTO on September 18, 2000. A Notice of Allowance and Fee(s) Due was subsequently mailed on March 29, 2006, which set for a three month statutory period in which to submit the requisite Issue Fee. A Notice of Abandonment was mailed on July 31, 2006 that indicated that the application became abandoned because the requisite Issue Fee was not submitted on or before the three month statutory deadline date, i.e., June 29, 2006.


On January 9, 2007, the present Petition was filed urging that the requisite Issue Fee was, in fact, timely filed with the USPTO, via facsimile transmission under the provisions of 37 CFR 1.8(a), on June 28, 2006. The present petition was accompanied by various statements and documents evidencing the June 28, 2006 facsimile transmission Issue Fee payment. Additional copies of the items submitted via facsimile on June 28, 2006 were also provided on October 20, 2008 for completeness of the application file record.

The statements and documentary evidence submitted with the present Petition and on October 20, 2008 are sufficient to establish with reasonable certainty that the requisite Issue Fee was, in fact, timely filed with the USPTO via facsimile and in compliance with the provisions of 37 CFR 1.8(a), on June 28, 2006. As such, it is appropriate for the USPTO to acknowledge that payment of the Issue Fee timely occurred on June 28, 2008 and withdraw the Notice of Abandonment.

Accordingly, the USPTO accepts the copy of the PART B – FEE(S) TRANSMITTAL (PTOL-85) filed with the present Petition as a replacement for the timely facsimile transmitted original document originally filed June 28, 2006. The requisite \$1400.00 Issue Fee has been charged to Deposit Account 50-0510, as authorized in the present Petition and the original PART B – FEE(S) TRANSMITTAL (PTOL-85) filed June 28, 2006.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

This application is being referred to Office of Publications for continued post Issue Fee payment processing into a patent.



Brian W. Brown
Petitions Examiner
Office of Petitions